| 1<br>2<br>3<br>4<br>5<br>6<br>7<br>8 | MILES EHRLICH (Bar No. 237954) miles@ramsey-ehrlich.com ISMAIL RAMSEY (Bar No. 189820) izzy@ramsey-ehrlich.com AMY CRAIG (Bar No. 269339) amy@ramsey-ehrlich.com RAMSEY & EHRLICH LLP 803 Hearst Avenue Berkeley, CA 94710 (510) 548-3600 (Tel) (510) 291-3060 (Fax)  Attorneys for Non-Party Anthony Levandowski |  |  |
|--------------------------------------|---|--|--|
| 9                                    | UNITED STATES DISTRICT COURT  |  |  |
| 10                                   | NORTHERN DISTRICT OF CALIFORNIA   |  |  |
| 11                                   | SAN FRANCISCO DIVISION  |  |  |
| 12<br>13                             | WAYMO LLC,  | Case No.: 3:17-cv-00939 WHA  |  |
| 14                                   | Plaintiff,  | DECLARATION OF MILES EHRLICH<br>IN SUPPORT OF PLAINTIFF WAYMO<br>LLC'S ADMINISTRATIVE MOTION |  |
| 15                                   | v. )  | TO FILE UNDER SEAL PORTIONS OF<br>ITS SECOND SUPPLEMENTAL BRIEF                              |  |
| 16                                   | UBER TECHNOLOGIES, INC., et al.,  | IN SUPPORT OF ITS MOTION FOR ORDER TO SHOW CAUSE [DKT. 2053]                                 |  |
| 17                                   | Defendants.   | Courtroom: 8   |  |
| 18                                   |   | Judge: Hon. William Alsup<br>Trial: December 4, 2017   |  |
| 19                                   |   |  |  |
| 20                                   | I, Miles Ehrlich, declare as follows:   |  |  |
| 21                                   | 1. I am an attorney licensed to practice in the State of California and am admitted to  |  |  |
| 22                                   | practice before this Court. I am a partner at the law firm Ramsey & Ehrlich LLP, counsel for  |  |  |
| 23                                   | Non-Party Anthony Levandowski. I have personal knowledge of the matters set forth in this   |  |  |
| 24                                   | Declaration, and if called as a witness I would testify competently to those matters.   |  |  |
| 25                                   | 2. I make this declaration in support of Plaintiff Waymo LLC's Administrative   |  |  |
| 26                                   | Motion to File under Seal Portions Its Supplemental Brief in Support of Its Motion for Order to   |  |  |
| 27                                   | Show Cause ("Motion") [Dkt. No. 2053].  |  |  |
| 28                                   | EHRLICH DECLARATION ISO DEFENDANTS' ADMINISTRATIVE MOTION TO FILE UNDER SEAL [DKT. 2053]  Case No. 3:17-00939-WHA  1  |  |  |

3. I have reviewed the exhibit identified below and determined that it merits sealing:

| Document  | Portion to Be Filed<br>Under Seal | Designating Party   |
|---|-----------------------------------|---------------------|
| Exhibit 6 to Waymo's<br>Supplemental Brief ISO Its<br>Motion for Order to Show<br>Cause | Entire document                   | Anthony Levandowski |

- 4. Exhibit 6 to the Waymo's Supplemental Brief ISO Its Motion for Order to Show Cause is an Arbitration Demand dated November 3, 2016, from Mr. Levandowski's attorney, John Gardner, to Uber Technologies, Inc. Mr. Gardner's letter attaches the entire Indemnification Agreement between the Diligenced Employees and Uber Technologies, Inc.
- 5. Both the arbitration demand and indemnification agreement include highly confidential, sensitive business information. The indemnity agreement has previously been filed in redacted form (*see* Dkt. No. 600-2) and the court has affirmed that it should not be made public in its entirety. Arbitration demands similarly constitute confidential, non-public information.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct, and that this declaration was executed in Berkeley, California, on October 27, 2017.

Respectfully submitted,

<u>/s/ Miles Ehrlich</u> Miles Ehrlich Ramsey & Ehrlich LLP

Counsel for Non-Party Anthony Levandowski